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substantively consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and the
consolidated Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

THE ESTATE OF MARK D. MADOFF and
ANDREW H. MADOFF, individually and as Executor
of the Estate of Mark D. Madoff,

Defendants.

Adv. Pro. No. 09-01503 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) and the substantively consolidated Chapter 7 estate of Bernard L. Madoff (“Madoff”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), by and through his undersigned counsel, Baker & Hostetler LLP, and Defendants The Estate of Mark D. Madoff and Andrew H. Madoff, individually and as Executor of the Estate of Mark D. Madoff (collectively, “Defendants”), by and through their counsel, Paul, Weiss, Rifkind, Wharton & Garrison LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On October 2, 2009, the Trustee commenced this adversary proceeding in the Bankruptcy Court against Andrew H. Madoff, Mark D. Madoff, Shana Madoff, and Peter Madoff (“Adversary Proceeding”).

2. On March 15, 2010, Andrew H. Madoff and Mark D. Madoff moved to dismiss the Complaint, which the Bankruptcy Court granted in part and denied in part with leave to replead on September 22, 2011.

3. The Trustee subsequently filed an Amended Complaint and a Second Amended Complaint in the Adversary Proceeding on November 7, 2011 and May 4, 2012, respectively.

4. On July 2, 2012, Andrew H. Madoff and the Mark Madoff Estate filed an Answer to the Second Amended Complaint in which they denied all liability to the Trustee for the allegations set forth therein and asserted affirmative defenses.

5. On June 26, 2017, the Trustee, United States Government, and the Parties entered into a Stipulation and Order of Settlement (the “Stipulation”).

6. On June 26, 2017, the Trustee filed a Motion For Entry Of An Order Pursuant To Section 105(a) Of The Bankruptcy Code And Rules 2002 And 9019 Of The Federal Rules Of

Bankruptcy Procedure Approving A Stipulation By And Between The Trustee, The United States Government, And The Settling Defendants (Dkt. No. 303).

7. On July 21, 2017, the Trustee filed a Certificate of No Objection Of Trustees Motion For Entry Of Order Pursuant To Section 105(A) Of The Bankruptcy Code And Rules 2002 And 9019 Of The Federal Rules Of Bankruptcy Procedure Approving A Stipulation By And Between The Trustee, The United States Government, and the Settling Defendants (Dkt. No 310).

8. On July 24, 2017, this Court Ordered and approved the Stipulation (Dkt. No. 311).

9. In accordance with Federal Rule of Bankruptcy Procedure 7041 and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal of the Trustee's claims against Defendants in the above-captioned Adversary Proceeding , with prejudice and without costs to any party.

10. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

11. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: September 7, 2017

BAKER & HOSTETLER LLP

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LLC and the consolidated Chapter 7 Estate of
Bernard L. Madoff*

SO ORDERED

Dated: September 8, 2017
New York, New York

**PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP**

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/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE